

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **FREDDIE LUIS ALICEA RAMOS**

Debtor(s)

CASE NO: **17-05208-EAG****Chapter 13****TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$550.00** Outstanding (Through the Plan): **\$2,450.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$6,808.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: **Dec 14, 2017 (Dkt 30)** **Plan Base: \$54,180.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 13 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

Debtor must verify Section 3.1 of the plan. Per such section, the Trustee will be making ongoing mortgage payments to BPPR. If that is the case, Schedule J must be amended to remove such expense. The plan must also be amended to increase payment since the proposed payment amount is not enough to cover such expense.

If, in the contrary, it is Debtor's intention to make ongoing direct payments to BPPR, the check box in Section 3.1 that reads Distributed by DEBTOR (not the Trustee) must be marked.

Also, in such section, Debtor included a provision for payment of BPPR's pre-petition arrears. Such section includes interest but the estimated amount to be paid by the Trustee is the same as the amount of the arrears claimed in amended claim no. 4. Either, the interest has already been included in the total amount of pre petition arrears claimed, or they have to be paid and the plan must be amended to include in the estimated amount that will be paid by the Trustee field the total amount (arrears claimed plus interest). Such provision is not clear.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

Per evidence of income submitted, Debtor's average overall income for the 6 month period prior to the filing of the case totals \$1,786.35; which is considerably more than the amount reported in the Means Test. debtor must make the pertinent amendments to such form. Debtor is an Above Median Income Debtor and the Means Test should reflect that. The general unsecured pool, if any, cannot be determined at this time.

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Regarding Schedule I, per evidence of income submitted, Debtor makes \$1,602.00 a month at JAF International. Debtor must make the pertinent amendments to Schedule I and the plan. Plan payments should increase in light of newly discovered income.

***OTHER COMMENTS / OBJECTIONS**

NONE.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: December 20, 2017

/s/ Nannette Godreau, Esq.

Last Docket Verified: 32 Last Claim Verified: 7 4-2 CMC: RC